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31 *Attorneys for Plaintiffs*

32 **UNITED STATES DISTRICT COURT**
 33 **NORTHERN DISTRICT OF CALIFORNIA**
 34 **SAN JOSE DIVISION**

35 *E-FILED 6/25/08*

36 SIDNEY SCHOLL and FELTON A.)
 37 SPEARS, JR., on behalf of themselves and)
 38 all others similarly situated,)
 39)
 40 Plaintiffs,)
 41)
 42 v.)
 43)
 44 WASHINGTON MUTUAL BANK, FA (aka)
 45 WASHINGTON MUTUAL BANK); FIRST)
 46 AMERICAN APPRAISEIT, a Delaware)
 47 corporation; and LENDER'S SERVICE,)
 48 INC.,)
 49)
 50 Defendants.)
 51
 52 _____

53 **CASE NO.: 5:08-CV-00868 RMW**

54 **CLASS ACTION**

55 **STIPULATION AND [XXXXXXXXXX] ORDER**
 56 **RE: MOTION FOR ADMINISTRATIVE**
 57 **RELIEF**

1 WHEREAS, on May 2, 2008, the Defendants Washington Mutual Bank, FA (a/k/a
 2 Washington Mutual Bank) ("WMB"), and First American eAppraiseIT ("EA") filed Motions to
 3 Dismiss which included two memorandums of points and authorities totaling 45 pages collectively;

4 WHEREAS, Civil L.R. 7-3(a) provides that Plaintiffs may submit two Opposition Briefs of
 5 25 pages each in response to Defendant WMB's and Defendant EA's Motions to Dismiss;

6 WHEREAS, each of the briefs of WMB and EA make a number of similar arguments;

7 WHEREAS, it would be most efficient for Plaintiffs to respond to the two briefs of WMB
 8 and EA in one single brief;

9 WHEREAS, Defendants agree Plaintiffs may file a single 40 page brief to collectively
 10 respond to WMB's and EA's briefs, rather than two separate 25 page briefs as allowed by Civil L.R.
 11 7-3(a);

12 WHEREAS, Plaintiffs agree that this stipulation is not to be construed as waiving the rights
 13 of Defendants to file separate Reply briefs in response to Plaintiffs' single Opposition brief in
 14 accordance with L.R. 7.3(c).

15 IT IS HEREBY STIPULATED by the Plaintiffs, WMB and EA, by and through their
 16 undersigned counsel, that:

- 17 (1) In response to Defendant WMB's and Defendant EA's Motions to Dismiss, Plaintiff
 18 may file a single opposition motion.
- 19 (2) Defendants WMB and EA agree that the single opposition motion may exceed the 25
 20 page limit for single brief as long as it does not exceed 40 pages.

22 Dated: June 19, 2008

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1 Dated: June 19, 2008

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8 Dated: June 19, 2008

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11
12 Attorneys for Defendant
13 First American eAppraiseIT

14
15
16 **[XXXXXXXXXX] ORDER**

17 PURSUANT TO THE PARTIES' STIPULATION, THE COURT HEREBY ORDERS AS
18 FOLLOWS:

19 (1) Plaintiffs may file a single brief in opposition to Defendant EA's and Defendant
20 WMB's motions to dismiss.

21 (2) Plaintiffs aforementioned brief may exceed the ordinary page limit of 25 pages but
22 may not exceed 40 pages.

23 (3) This stipulation is not to be construed as waiving the rights of Defendants to file
24 separate Reply briefs in response to Plaintiffs' single Opposition brief in accordance
25 with L.R. 7.3(c).

26 Dated: June 25, 2008

27
28 
Hon. Ronald M. Whyte
United States District Judge